

Teaching Criminal Law Procedure in Universities: Meeting the Needs of Juveniles in Criminal Legal Practice

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ABSTRACT

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KEYWORDS:

Teaching criminal law
procedure

Disciplinary problems

The juvenile justice system

Crime prevention

CITATION:

Nadzriah Ahmad. (2023). Teaching Criminal Law Procedure in Universities: Meeting the Needs of Juveniles in Criminal Legal Practice. *Malaysian Journal of Social Sciences and Humanities (MJSSH)*, 8(1), e002068.

<https://doi.org/10.47405/mjssh.v8i1.2068>

Children's involvement in school disciplinary problems is often a predictor of their involvement in crime in the future, resulting in them coming into contact with the criminal justice system. Therefore, teaching final-year law students the subject of criminal procedure, particularly governing the juvenile justice system, is essential for legal practice, especially when the legal rights of the children need to be protected since they are vulnerable to the adverse effects of the juvenile justice system. In this connection, the objectives of this paper are (a) to examine the underpinning causes behind children's involvement in disciplinary problems in schools as predictors of their future involvement in crime; (b) to analyse the existing legal framework governing the juvenile justice system in Malaysia that forms part of the subject of criminal law procedure, and (c) to examine the importance of teaching criminal law procedure subject to final-year law students in preparing them for legal practice, especially when dealing with juveniles in the juvenile justice system. A qualitative research design is undertaken to explore the significance of teaching criminal law procedure to final-year law students by undertaking library-based research and an examination of content analysis, drawing from both primary and secondary sources. The findings in this research demonstrate that children who commit disciplinary problems in schools, such as truancy and bullying, will eventually come into contact with the criminal justice system, and their legal rights need to be protected. This research is significant in meeting the university's mission, vision and values and supporting the national framework for reducing crime rates and strengthening crime prevention initiatives.

Contribution/Originality: This study contributes to the existing literature review in highlighting the integral aspect of incorporating the teaching of juvenile justice system in the criminal law procedure subject to help prepare the final-year law students in the legal practice.

1. Introduction

Recent statistics demonstrate that since the end of 2020, approximately 5,342 children (4,833 consists of males and 509 consists of females) have committed crimes in Malaysia ([Department of Social Welfare, 2021](#)). Many contributing factors have been identified, explaining the causes behind the commission of crime by children in Malaysia. Research has also shown that school-going children involved with disciplinary problems and subjected to disciplinary measures such as suspension are more vulnerable to coming into contact with the juvenile justice system. Moreover, children who have undertaken a series of suspensions are more likely to get arrested ([Mowen & Brent, 2016](#)).

Many studies recognised the various factors which lead to children committing disciplinary problems in schools. These disciplinary problems are particularly prevalent among children studying in secondary schools in Malaysia, and truancy is cited as the highest form of behavioural misconduct in schools ([Ching et al., 2015](#)). In addition to truancy, disciplinary problems involving bullying in schools have caused significant concerns and dominated the headlines in the local media ([Kathirasen, 2022](#)). The rise of bullying occurs in other countries across the globe, too. Victims can be across gender, race, ethnicity, and socio-economic status and suffer greatly from the physical and physiological results of being bullied ([Lodge, 2014](#)).

Similarly, children in both primary and secondary schools in Malaysia suffer from being victims of bullying. In the Children4Change survey conducted jointly by the Ministry of Education, Malaysia, Women: girls and UNICEF, it is reported that all 2,011 Malaysian children (below 18 years old) who participated in the survey reported that they had experienced incidences of bullying at some stage of their lives either as a witness, a victim or as a perpetrator. Additionally, the survey revealed that 83% of victims of bullying experience incidents of bullying while they are in school. Subsequently, the survey also demonstrated that a more significant number of children in primary schools, compared to secondary school children, have witnessed or have been victims of physical bullying ([UNICEF, 2018](#)). In this connection, and since the numbers of children involving in disciplinary cases are high, the Royal Malaysian Police has identified 402 schools in Malaysia that has the most disciplinary problems (Category 1 schools) and schools with disciplinary as well as drug problems (Category 3 schools) ([Soo & Nor Ain, 2017](#)).

Even though the Ministry of Education has implemented many policies to address disciplinary problems, particularly bullying cases that rampantly occur in schools, it is questionable whether the measures undertaken by the authority are effective since, for the past years, many cases involving disciplinary cases, particularly bullying cases are rampant and continuous in both primary and secondary schools in Malaysia ([Kathirasen, 2022](#)). According to the latest statistics, there are approximately 7,782 primary and 2,451 secondary schools in Malaysia ([Ministry of Education, 2023](#)). Given the high numbers of children who attend primary and secondary schools in Malaysia, it is integral to have effective crime prevention measures and policies to ensure that schools' disciplinary problems are addressed effectively, and children are prevented from committing a crime even when they are in primary schools. In this connection, understanding the causes behind the involvement of children in crime and learning about the laws governing the juvenile justice system are crucial in preparing final-year law students for their involvement in the juvenile justice system in Malaysia.

Students graduating from law schools will have the prospect of dealing with children who come into contact with the juvenile justice system when they become part of the legal fraternity either as the Deputy Public Prosecutor, Magistrate or defence counsel. Additionally, law students may become part of court officers or even join the Royal Malaysian Police and assume the role of Probation Officer if they are interested in being part of the Social Welfare Department. Hence, the objectives of this paper are (a) to examine the underpinning causes behind the involvement of children in disciplinary problems in schools as future predictors of their involvement in crime in the future; (b) to analyse the existing legal framework governing the juvenile justice system in Malaysia that forms part of the subject of criminal law procedure, and (c) to examine the importance of teaching criminal law procedure subject to final-year law students in preparing them for their career prospects in the legal practice, especially when dealing with juveniles in the juvenile justice system. This research is significant in meeting the university's mission, vision and values and supporting the national framework for reducing crime rates and strengthening crime prevention initiatives under the Twelfth Malaysian Plan (2021-2025) and the National Transformation 2050 (TN50). Additionally, this research is fundamental in meeting the ASEAN Guidelines for a Non-Violent Approach to Nurture, Care and Development of Children in All Settings (2016) and the 16th Sustainable Goal Development that seeks to protect children in the justice system.

2. Literature Review

2.1. Conceptual Framework: Underpinning causes behind the involvement of children in disciplinary cases in schools

The [Committee on the CRC, in its General Comment No. 24 \(2019\)](#), entitled, Children's Rights in the Child Justice System (hereinafter referred to as [Committee on the CRC, General Comment No. 24, 2019](#)), specifically highlighted that children, especially in the adolescence stage face many challenges in their environment. Adolescence is a unique defining stage of human development, shaped by rapid brain development that subsequently affects risk-taking, decision making and the ability to control impulses. Furthermore, the developmental and neuroscience evidence demonstrates that adolescent brains continue to mature beyond the teenage years, affecting specific decision-making. For instance, evidence also pointed out that the maturity and capacity of abstract reasoning for children are still evolving between twelve (12) and thirteen (13) years since the frontal cortex is still developing for children. Consequently, children's involvement in school disciplinary problems, including truancy and bullying, may result from the evolving development of their brains, which is different from adults who committed the crime ([Committee on the CRC, General Comment No. 24, 2019](#), [Scott et al., 2018](#)).

Truancy is defined (by the Federal Territory Education Department of Kuala Lumpur) as circumstances where children are absent from school on official school days without giving any reasons or written reasons from parents, guardians or medical doctors ([Azhar Shah et al., 2012](#)). Among factors that have been cited that contributed to truancy among children in secondary schools are personal factors, such as lack of motivation ([Rosilawati & Munirah, 2016](#); [Muhammad Azmi et al., 2018](#)) and self-limitation, such as lack of language proficiency, lack of religious knowledge and impulsive behaviour ([Rosilawati & Munirah, 2016](#); [Nik Ruzyanei et al., 2009](#)). In addition, family factors such as lack of family support, low socio-economic background, and broken families are closely related

to personal factors contributing to truancy among children in school (Nik Ruzyanei et al., 2009; Rosilawati & Munirah, 2016; Muhammad Azmi et al., 2018). In addition, environmental factors such as teachers' negative attitudes towards children in school also make them feel not valued. This negative attitude has also contributed to children causing disciplinary problems in schools (Muhammad Azmi et al., 2018).

Other than truancy, children's most frequent disciplinary problems in schools are bullying, theft, possession of prohibited items, gangsterism (Tie, 2012), and vandalism (Zainal & Mohamad Salleh, 2008). Among these incidents of disciplinary problems in schools, cases involving bullying are rising, and bullying occurs in both primary and secondary schools in Malaysia. Bullying is considered a systematic abuse of power perpetrated against the victims of bullying, and the purpose is to cause distress to the victims in some way or another. While there are many attempts at defining bullying, most definitions involving bullying will include common factors such as aggression, intentional hurtfulness, abuse of power (asymmetric conflict) and repetition perpetrated against the victims. Examples of bullying include physical fighting, name-calling, social exclusion, spreading rumours and gossip and distributing hurtful or embarrassing messages (Lodge, 2014). For example, it is reported that 73% of children who took part in the Children4Change survey in Malaysia highlighted that they had been victims of humiliating name-calling by their peers (73%), followed by appearance shaming (44%), including became victims of hurtful rumours (43%). Consequently, the survey revealed that victims of bullying often feel angry, sad and hopeless about their situation (UNICEF, 2018).

In addition to the above, peer factors have influenced children's behaviours, especially when they skip school (Rosilawati & Munirah, 2016). Negative peer influence has been cited as the most dominant factor that leads to truancy cases among children (Muhammad Azmi et al., 2018) and is a significant discipline problem in schools in Malaysia (Azlin Norhaini et al., 2017). Moreover, influence from media and communication and exposure to violent and uncensored movies, pornographic scenes and websites also contribute to school disciplinary problems. In addition, they can lead children to come into contact with the juvenile justice system (Azlin Norhaini et al., 2017).

It is reported that classroom disciplinary problems and poor academic performance can be predictors of later delinquency. Similarly, students experiencing failures in school are an essential determinant of delinquent behaviour, and dropping out from school has also been associated closely with criminal behaviour later in life (Clements, 1988). In this connection, children will come into contact with the criminal justice system at an early age. Local media has reported many disciplinary problems in Malaysia's primary and secondary schools. In addition, there is great concern that more children will end up in the juvenile justice system due to their involvement in both truancy and bullying cases. For instance, thirteen (13) students from a high school in Langkawi were detained for physically assaulting one of their classmates in the classroom. The police have classified the case as rioting (Zulkifli, 2022).

Additionally, in another secondary school in Teluk Intan, nine (9) students were charged under Section 325 of the Penal Code for voluntarily causing grievous hurt to one of their schoolmates, resulting in the victim suffering from broken ribs, bruises on parts of his body and burn marks at the back of his body (Mat Ariff, 2022). Cases of bullying also took place in a boarding school in Kuantan where the victim's mother alleged that her

daughter's uniform was vandalised and her hair was cut while she was sleeping. The police have classified this offence under Section 427 of the Penal Code for causing damage through acts of mischief. In another incident, the mother of an eleven (11) year primary school student lodged a police report since her son had sustained injuries on the face and all over the body after being repeatedly beaten by several classmates. The victim's mother claimed that the school had not addressed the bullying incident (Dermawan, 2022).

In light of the preceding paragraphs, every child who comes into contact with the juvenile justice system must be afforded rights to ensure they are treated differently from adult offenders. *The fundamental principles* of protecting the legal rights of child offenders are embodied in Articles 37 and 40 of the CRC, and these provisions complement each other (Brink, 2019). In this connection, many scholars have reiterated the importance of protecting children's rights in the youth or juvenile justice system (Liefwaard, 2016). While Article 37 of the CRC outlines the *leading principles* concerning child offenders deprived of liberty, Article 40 of the CRC embodies the rehabilitative aims of the juvenile justice system. However, the implementation and aims of both these provisions can only be realised if the *general principles* of the CRC enshrined in Article 2 (principle of non-discrimination), Article 3 (best interest of the child needs to be taken into consideration), Article 6 (every child has the right to life) and Article 12 (every child has the right to participate) are taken into consideration. Article 40 (3) of the CRC provides that children coming into contact with the juvenile justice system must be treated in a child-appropriate manner, and their best interests must be taken into account in every stage of the proceedings (Article 3 CRC). Additionally, Article 40 (2) of the CRC provides that all children in the juvenile justice system are entitled to a fair trial and must be afforded the following *minimum* guarantees: (a) presumption of innocence until proven guilty; (b) to be informed promptly and directly of the charges in connection to the offence, and, if appropriate, through his or her parents or legal guardians, and have the right to be legally represented or to receive other appropriate assistance during the proceedings; (c) to have the case heard by an independent and impartial authority or judicial body without delay, taking into account his or her age or situation; (d) to provide any form of testimony or confession voluntarily; (e) to have the right of appeal of any decisions imposed by a higher competent, independent and impartial authority or judicial body according to law; (f) to have access to free assistance of an interpreter if the child is unable to comprehend or speak the language used; and (h) to have his or her privacy fully respected at all stages of the proceedings (Committee on the CRC, General Comment No. 24, 2019).

Despite the rights afforded to children in the juvenile justice system, as highlighted in the preceding paragraphs, significant concerns have been raised about the adverse effects on children when they come into contact with enforcement officers in the juvenile justice system. Underpinning the procedural justice theory is the belief an individual has that the process he or she has undertaken in the criminal justice system follows due process and is following the law. Additionally, an individual also has the belief that the techniques used to resolve disputes in the justice system are fair and satisfying (Walker et al., 1979). In this connection, children's perceptions towards procedural injustice or belief that enforcement officers are procedurally unfair were more at risk of engaging in criminal behaviour such as alcohol and drugs abuse, participating in unstructured socialising and having a higher likelihood of being involved in a gang and associated with substance-using peers (Wolfe & Mclean, 2017). Scholars have also pointed out that coming into contact with enforcement officers, such as being stopped or arrested, not

only contributes to future delinquency but also increases deviant attitudes among children (Wiley & Esbensen, 2016). Further, scholars have suggested a causal connection between procedural justice and recidivism among children (Birckhead, 2009). Enforcement officers must ensure that children are treated with respect and no harm is inflicted on them, ensuring their well-being is safeguarded at all times when they come into contact with the enforcement officers (Beijing Rules, para 10.3). Hence, in order to minimise the harmful effects of the criminal justice system, having a legal representative that can help children navigate criminal proceedings is essential. Providing effective legal assistance to the children without any legal fees to ensure they received as much protection as adult offenders in the juvenile justice system would be more in line with Article 40 (2) of the CRC highlighted earlier (Committee on the CRC, General Comment No. 24, 2019).

2.2. Legal Framework: Examining the juvenile justice system in Malaysia

In Malaysia, Section 2 (a) of the Child Act 2001 (hereinafter referred to as the 2001 Act) defined a *child* as a person who is below the age of eighteen (18) years old. The laws governing the juvenile justice system in Malaysia are encapsulated in Part X of the 2001 Act, which outlines the procedures and trials governing Malaysia's juvenile justice system. Further, Section 2 (b) of the 2001 Act provides that concerning criminal proceedings, a child is a person who has attained the age of criminal responsibility according to Section 82 of the Penal Code. In the absence of specific provisions governing the juvenile justice system in the 2001 Act, reference can be made to the Criminal Procedure Code provisions (hereinafter referred to as the CPC). The CPC governs the procedures governing the criminal justice system and it is also applicable to children who come into contact with the juvenile justice system.

At the *pre-trial stage*, the children will be governed by the CPC provisions governing the process of arrest, investigations, detention and bail. Additionally, a newly inserted provision governing pre-trial procedure incorporated in Section 83A of the 2001 Act strengthened the protection afforded to children at the pre-trial stage in ensuring that they are treated differently from adult offenders. Subsequently, at the *trial stage*, both provisions in the CPC and the 2001 Act will be relied upon to understand how the proceedings, specifically in the Court for Children, are conducted in ensuring that the proceedings are more child-friendly, taking into account the child's age and maturity. Following the trial, the provisions in Section 91 of the 2001 Act will be relied upon in understanding the integral role of the presiding judge in imposing proper orders on children at the *disposal stage*, depending on the type of offences they committed. Additionally, the role of Court Advisers is fundamental at this stage in providing advice to the Magistrate before the final order is imposed on children by taking into account the children's best interests. Among the notable changes that have been made to the 2001 Act via the Child (Amendment) Act, 2016 is the abolition of whipping as one of the orders that the Court can impose and the introduction of the Community Service Order that would help promote children involvement in doing community work with the engagement of parents. In ensuring that the final-year law students taking the subject of criminal law procedure are better equipped to understand the juvenile justice system in Malaysia, the above provisions will be taught to them in law schools, emphasising the need to afford to safeguard the legal rights of the children at every stage of the juvenile justice system. It is also to be noted that Part X of the 2001 Act does not specify any crime prevention measures that can be undertaken by the stakeholders before children come into contact with the juvenile justice system in Malaysia. Crime prevention among

children is only mentioned in Section 3 (2) (c) of the 2001 Act, but its scope is limited to one of the roles that the National Council for Children can play in ensuring that children are prevented from engaging in immoral or criminal acts.

In addition to the domestic laws, Malaysia also acceded to the Convention on the Rights of the Child 1989 (hereinafter referred to as the CRC) in 1995, which imposed obligations on Malaysia to carry out the provisions of the CRC 1989, under Article 4 of the CRC. Articles 37 and 40 of the CRC 1989 outlines the rights of children who committed a crime in the juvenile justice system. States Parties must meet at least the minimum guarantees and safeguards in the CRC 1989 to ensure children are protected at all stages in the juvenile justice system. Moreover, Article 28 of the CRC 1989 highlighted the importance of children's rights to education and the obligation of Member States to encourage regular attendance at schools and provide measures to reduce the drop-out rates of children from schools. Additionally, the Committee on the CRC specifically highlighted that one of the objectives of General Comment No. 24 is to emphasise the significance of prevention and early intervention for children and to ensure that children's rights are protected at all stages of the juvenile justice system ([Committee on the CRC, General Comment No. 24, 2019, para 6](#)). Ensuring sufficient crime prevention measures are in place at schools is crucial to ensure that children are not part of the drop-out rates. Crime prevention is defined as strategies and measures that can be undertaken to reduce the risk of crimes occurring and to minimise the potentially harmful effects of crime on society by addressing the multiple causes of crime. In the context of children, the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice 2014 (hereinafter referred to as the Model Strategies and Practical Measures 2014) recognise that the education sector (in addition to the child protection, social welfare and health sectors) play a complementary role to the justice system in crime prevention as well as providing a protective environment to children and responding to violence against children in the juvenile justice system (Model Strategies and Practical Measures 2015, para 2; Committee on the CRC on General Comment 20 on the Implementation of the Rights of the Child During Adolescents, 2016, para 83).

The United Nations Guidelines for the Prevention of Juvenile Delinquency 1990 (hereinafter referred to as the Riyadh Guidelines) also highlighted the critical role of education in developing specialised prevention programmes for children at social risks at schools. In particular, schools should have crime prevention programmes to curb the spread of alcohol, drugs and other substance abuse by children. However, these programmes can only be effective if teachers are adequately trained to deal with school disciplinary problems. In addition, student bodies can participate actively in these programmes by disseminating the information to schools (Riyadh Guidelines, para 25). Not only crime prevention programmes are essential in schools, but teachers, staff and student bodies should also be sensitised to the issues, needs and perceptions of children in schools, especially those belonging to the underprivileged, disadvantaged, ethnic, minority and low-income groups (Riyadh Guidelines, para 27). In this connection, the role of university students, particularly law students, in crime prevention programmes at schools is also integral, mainly because they have acquired the necessary legal knowledge from learning the subject of criminal procedure in law schools.

In ensuring that the final-year law students taking the subject of criminal procedure are better equipped to understand the juvenile justice system in Malaysia, the legal framework contained in the CPC and the 2001 Act highlighted in the preceding

paragraphs will be taught to them in law schools, emphasising the need to safeguard the legal rights of the children at every phase of the juvenile justice system. Furthermore, having background knowledge in the juvenile justice system in Malaysia provides insights to the final-year law students about the causes behind the commission of crimes committed by children and the legal framework that protects the children in the juvenile justice system. Moreover, in preparing the final-year law students for their future employment in legal practice, especially in criminal litigation, learning about the juvenile justice system will give them awareness about the need to provide differential treatment to children in the juvenile justice system.

3. Methods

This paper adopts a qualitative research design in order to explore the importance of teaching criminal law procedures to final-year law students in law schools and to prepare them for their future careers in legal practice, particularly in criminal litigation. To examine this research area in greater depth, doctrinal research is employed. It is a form of the research process that involves identifying, analysing and synthesising the contents of the law (Hutchinson, 2013). Doctrinal research involves two stages: locating the relevant sources and interpreting and analysing the texts. In order to undertake this study, relevant sources are located by conducting library-based research to examine primary and secondary sources. The former emphasises the examination of legislation, policies, and judicial decisions. On the other hand, the latter constitutes a literature review search from online databases such as Scopus, SAGE, Hein Online, Lexis Nexis, and others.

In undertaking the doctrinal research, this paper first examines the syllabus, learning outcomes, teaching methodology and assessments for the subject of criminal law procedure. Subsequently, literature review is undertaken to examine the contributing factors that lead to children's involvement in disciplinary problems in schools and the juvenile justice system. Secondly, content analysis is undertaken when analysing the primary and secondary resources to establish the legal framework and parameters governing the juvenile justice system and the importance of learning this subject matter in criminal procedure (Hutchinson & Duncan, 2012). Thus, doctrinal research examines the relevant conceptual and domestic legal framework governing the juvenile justice system in Malaysia in great detail. Correspondingly, the international legal framework, such as the CRC and the General Comments made by the Committee on the CRC, are also analysed to ensure that the legal framework governing juvenile justice in Malaysia meets international standards. Additionally, an analysis of the importance of teaching criminal procedure in universities is also conducted to prepare final-year law students for legal practices, especially in criminal litigation.

4. Results

Many students are reported to have committed disciplinary problems in schools, such as truancy and bullying. Additionally, a higher number of primary school children, compared to secondary school children, revealed that they have witnessed or been victims of physical bullying (UNICEF, 2018). Consequently, many children come into contact with the juvenile justice system when charges are pressed against them due to committing a crime against their peers in a school setting. For instance, recent statistics demonstrate that since the end of 2020, there have been approximately 5,342 children (4,833 consists of males and 509 consists of females) who have committed crimes in

Malaysia (Department of Social Welfare, 2021). It is also reported that most child offenders only have the minimum UPSR (Primary School Assessment Test) qualification when they were first arrested, followed by those with PMR (Lower Secondary Assessment) qualification. In Malaysia, children are qualified to sit for the UPSR test and the PMR examination when they are twelve (12) years old and fifteen (15) years old, respectively. Hence, these children come into contact with the juvenile justice system at a young age, are removed from the school setting, and are vulnerable to the harmful effects of the juvenile justice system in Malaysia (Nadzriah, 2017). In this connection, law graduates joining the legal practice will be dealing with children who come into contact with the juvenile justice system in the field of criminal litigation and learning criminal procedure subject gives them the opportunity to protect the legal rights of children when dealing with them in the juvenile justice system.

5. Discussion and Implications

Children who come into contact with the criminal justice system experience the harmful effects of the juvenile justice system at all stages of the formal proceedings, including the pre-trial stage, trial stage and up to post-trial stage (MWFC & UNICEF Report, 2013). However, children are more vulnerable at the pre-trial stage because, for most of them, this is the first time they have come into contact with the criminal justice system. Among the pressing issues faced by children at the pre-trial stage are as follows; (a) children are subjected to oppressive tactics used against them during the investigation process (Nadzriah et al., 2020); (b) force is inflicted against children when the arrest took place (Nadzriah & Habibah, 2012; Nadzriah, 2017); (c) police officers were insensitive to the needs of the child offenders in affecting the arrests (MWFC & UNICEF Report, 2013); and (d) children are subjected to the long period of pre-trial detention at the pre-trial stage (Nadzriah et al., 2016). Additionally, pre-trial detention can be prejudicial to children when they are detained for punitive purposes and in anticipation of custodial sentences (Brink, 2019). Furthermore, during the trial stage, it is questionable whether children are adequately protected since the proceedings are presided over by a Magistrate who often “changes hats” and may not be specifically trained in dealing with children. In addition, children may be deprived of access to a speedy trial due to the infrequent sittings by the Court for Children (Farah Nini, 2009). Moreover, when children are placed in the institutions, also known as “schools of crime”, during the post-trial stage, they may be deprived of having typical experiences of growing up and will be subjected to adverse surroundings due to their close association with other children in the institutions (Lo et al., 2006).

The negative impact of coming into contact with the criminal justice system is intensified when children are not legally represented and are not given proper advice by a legal representative. It is reported that children have expressed their concerns that they are unable to have access to legal representatives because they are not informed of their rights to do so (Nadzriah & Habibah, 2012; Nadzriah, 2017) and they were informed that they could only have a legal representation if they can afford to pay for the legal fees (MWFC & UNICEF Report, 2013). It is also worrying when children are informed that pleading guilty is encouraged to expedite the Court’s process without knowing that they can raise possible legal defences to the charge pressed against them. Having a legal representative can help children understand the proceedings in the Court and the consequences of pleading guilty (MWFC & UNICEF Report, 2013). Hence, in light of the negative consequences of coming into the juvenile justice system, the teaching of criminal procedure is integral among final-year law students in ensuring they are well-

versed with the legal framework and the procedural aspect of the criminal justice system in Malaysia. Specifically, students would be able to draw a comparative analysis between the legal rights of adult offenders and specific provisions protecting children who committed a crime in the 2001 Act.

The students would also be aware of the issues facing the children who come into contact with the juvenile justice system. Understanding the legal rights of children in the juvenile justice system is crucial in ensuring that their legal rights are guaranteed and safeguarded at every stage of the juvenile justice system. Therefore, it is of utmost importance for final-year law students to be well-versed with the laws governing the juvenile justice system because there are different sets of laws that apply to children, as provided in the 2001 Act. Additionally, learning criminal procedure subject helps prepare students in facing difficult circumstances such as children who are not cooperative and parents who refuse to admit their children's involvement with crime (Vercammen, 2021). One of the learning outcomes of the criminal procedure subject is to ensure that at the end of the course, the students can analyse the rules of criminal procedure and its application to prepare them for their future roles in legal practice. Adopting lectures and tutorials as part of the teaching methodology for the criminal procedure subject ensures students will be engaged in learning the subject throughout the semester. In ensuring the learning outcomes for the criminal procedure subject are met, the final-year law students will be assessed throughout the semester with the following components that will make up a total of 100% of the assessments marks; (a) test questions that will examine the students understanding of the laws and its application; (b) group work assignment that not only test students understanding on the various issues in the subject of criminal procedure, but also to allow them to develop their soft skills; and (c) final assessment questions that will test the individual's students holistic understanding of the criminal procedure subject and to prepare them for their future career in the legal practice, particularly in the field of criminal litigation.

Additionally, given the knowledge and background that the final-year law students have in the subject of criminal law procedure, mobilising the students' potential and encouraging their involvement in crime prevention programmes in schools have great potential in helping to help reduce the disciplinary problems among children in schools. Moreover, law students' involvement with programmes outside the law schools can strengthen the cooperation between the university and the community, and the students can become role models to the children in schools. Hence, the school setting is conducive to cultivating and promoting positive behaviours among children to prevent juvenile delinquency and children involved in crime in adulthood (Clements, 1988). Consequently, local scholars have suggested introducing the criminal law subject in national secondary schools as part of the crime prevention programs (Ramalingam et al., 2019). In a similar vein, it has been proposed for the government to have an inclusive approach to tackling crime among children and youth by engaging more youth involvement in crime prevention programs and allowing them to develop, first-hand, the crime prevention programs (Rozita et al., 2018). In this connection, schools can serve as an essential platform for establishing resource and referral centres in providing children with medical counselling and other services, especially for children with special needs and those suffering from abuse, neglect, victimisation and exploitation.

In other jurisdictions, such as the United States, many prevention programs or school-based interventions have been introduced in schools in order to address disciplinary problems or anti-social behaviour among children in schools (Clements, 1988).

Subsequently, teaching the juvenile justice system as part of the criminal law procedure to final-year law students in school can help increase understanding among them about the legal rights of the children that need to be protected when they come into contact with the juvenile justice system in Malaysia.

6. Conclusion

It is imperative to provide a legal framework governing the criminal justice system, particularly the juvenile justice system, to the law students in the criminal procedure subject. The background knowledge that the students have will facilitate them in understanding the underpinning reasons behind the commission of the crime by children and the importance of providing differential treatment to children who committed the crime due to their age and level of maturity. Law students may assume various roles in their future employment, but learning about the juvenile justice system as part of the criminal procedure subject is crucial when they are involved with criminal litigation work in general and dealing specifically with children who committed the crime. Furthermore, due to the adverse effects of coming into contact with the criminal justice system, it is of utmost importance for every officer to know his/ her role in dealing with children, either in the capacity as the Magistrate, Deputy Public Prosecutor, defence counsel, police officer or probation officer. Hence, learning the subject of criminal procedure at the university will prepare and benefit the students in assuming significant roles in legal practice after graduation, especially in handling children who committed a crime. The important role of a legal representative in the juvenile justice system cannot be undermined especially when children who come into contact with the criminal justice system are vulnerable to the adverse effects of the formal proceedings and needed to be provided with legal advice at every stage of the proceedings.

Acknowledgement

This article is premised based on the syllabus of Advanced Criminal Law Procedure and the teaching methodology implemented at the Faculty of Law, Universiti Teknologi MARA (UiTM) Shah Alam

Funding

The author would like to highlight that this study received no funding from the institution.

Conflict of Interest

The author reported no conflicts of interest for this work and declare that there is no potential conflict of interest with respect to the research, authorship, or publication of this article.

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